

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO, *et al.*,

Plaintiffs,

v.

No. 1:16-cv-00236-TDS-JEP

ROY A. COOPER, III, *et al.*,

Defendants,

and

PHIL BERGER, *et al.*,

Intervenor-Defendants.

DECLARATION OF ERICKA MYERS

I, Ericka Myers, declare as follows:

1. I am a resident of Wilmington, North Carolina. I am over eighteen (18) years of age, and if called as a witness, could and would testify competently to the matters set forth below.
2. I am a member of the American Civil Liberties Union ("ACLU") of North Carolina.
3. I am the mother and legal guardian of an eight-year-old girl. My daughter is in second grade and attends elementary school in the New Hanover County School District in North Carolina.
4. My daughter is transgender. While she was assigned the sex male at birth, she has known from a young age that she is a girl.

5. My daughter has been diagnosed with gender dysphoria by two treating clinicians, the first in August 2017.
6. As part of her treatment for gender dysphoria, my daughter's treating clinicians recommend that she live as female in all aspects of her life. In accordance with this medical treatment, she dresses in female clothes, uses a female name and pronouns, and uses women's restrooms when we are out in public places.
7. My daughter's elementary school bars my daughter from using the girls' restrooms because she is transgender, despite a letter from her treating clinician that appropriate treatment for her gender dysphoria requires being allowed to live in accordance with her gender identity, including when accessing single sex facilities.
8. Because she is barred from using the girls' restroom, when my daughter has to go to the bathroom, she uses the boys' restrooms at school.
9. In August 2017, I met with two of my daughter's teachers and the school principal to discuss their treatment of my daughter. The principal informed me that that my daughter is not allowed to use the girls' restroom because it is illegal in our state for her to do so. When I pushed back, the principal called back a couple hours later to say she had consulted with an assistant superintendent, who said H.B. 142 permits schools to take this position.
10. The principal then told my daughter that she could use the nurse's restroom or the restroom in the teacher's lounge. The nurse's room is very far from my daughter's classes. She does not use either of these restrooms because she feels humiliated and singled out as different when she is the only student forced to use them.

11. One day in October of 2017, my daughter came home from school very upset. She told me that several older boys confronted her in the boys' restroom, and told her she was not supposed to be in there because she is a girl. This was particularly upsetting to her because she knew she did not belong in the boys' restroom but it was the only option the school made available to her at that time.
12. After this incident, my daughter asked her teacher if she can use the girls' restroom, but again teachers have reiterated that it is illegal for them to let her do so, because this is the administration's interpretation of H.B. 142.
13. My daughter continues to use the boys' restroom and has continued to experience hostility, anxiety, and humiliation. Boys rightly perceive her as a girl and tell her to get out because she is in the wrong place. For her safety, she has told them she was a boy, which causes her a terrible amount of distress, since she is a girl and has struggled to be recognized as her true self.
14. I have noticed that my daughter often holds her urine throughout the school day, and uses the restroom as soon as she gets home. On occasion, she has had an accident in the car on the way home.
15. This message from my daughter's teachers and administrators has caused her a great deal of fear and anxiety. She has both the social desire and medical need to use female restrooms in public places, but is worried that she or I will get in trouble because her school has told her that it is illegal.
16. My daughter's use of the girls' restrooms is essential to her physical and emotional well-being, and is part of the prescribed medical treatment for her gender dysphoria.

17. My daughter's North Carolina public elementary school continues to rely on H.B. 142 as the reason they do not allow my daughter to use the girls' restroom like all the other girls in her class.

18. I first contacted the ACLU on January 25, 2018, about this matter.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge, information, and belief, the foregoing is true and correct.

Executed on:

February 15, 2018

By:


ERICKA MYERS